

RESOLUTION NO. 2012-11

A Resolution of the North Kootenai Water District, Kootenai County,
Idaho approving an Order Granting Petition for Annexation; and
other matters properly relating thereto

025

RECEIVED

NORTH KOOTENAI WATER DISTRICT
Kootenai County, Idaho

APR 12 2012

TECHNICAL SUPPORT

Brown Annexation

BE IT RESOLVED BY THE BOARD OF DIRECTORS OF NORTH KOOTENAI
WATER DISTRICT, Kootenai County, Idaho, as follows:

WHEREAS, North Kootenai Water District (the "District") is a duly and properly formed
water district under and by virtue of the laws of the State of Idaho and is governed by a Board of
Directors (the "Board");

WHEREAS, the Board has authority pursuant to Idaho Code §42-3218 to consider
annexation of property into the District upon the presentation of a petition of a property owner
meeting certain requirements;

WHEREAS, property owner has presented an appropriate petition for annexation to the
Board of Directors for consideration;

WHEREAS, the Board held a duly noticed public hearing on April 5, 2012 wherein the
Board provided individuals the opportunity to show cause why the annexation of the property
described herein should be approved or denied;

WHEREAS, the Board desires to approve an Order Granting Petition for Annexation (a
copy of which is hereby attached as Exhibit "A").

NOW, THEREFORE, BE IT RESOLVED as follows:

Section 1: Approval of Order. The Board hereby approves the Order Granting
Petition for Annexation to North Kootenai Water District.

Section 2: Ratification. The Board hereby ratifies all acts taken by members of the
Board and/or agents on behalf of the Board or District relative to this potential annexation and
the hearing process is hereby ratified and approved.

Section 3: Severability. If any section, paragraph, clause, or provision of this
Resolution shall be held invalid or unenforceable for any reason, the invalidity or
unenforceability of each section, paragraph, clause, or provision shall in no manner affect any
remaining provision of this Resolution.

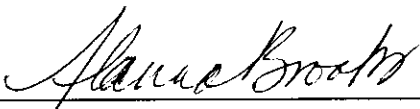
Section 4: Effective Date. This Resolution shall be and is effective as of the date of its adoption.

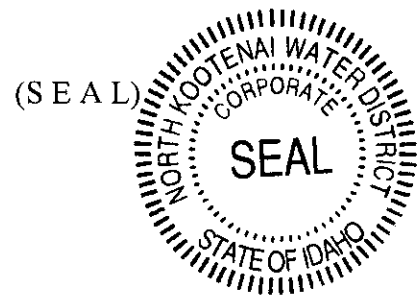
DATED this 5th day of April, 2012.

NORTH KOOTENAI WATER DISTRICT,
Kootenai County, Idaho


Chairman, Board of Directors

ATTEST:


District Secretary



I, the undersigned, Secretary of the Board of Directors of North Kootenai Water District, Kootenai County, Idaho, hereby certify that the foregoing Resolution is a full, true, and correct copy of a Resolution duly adopted at a regular meeting of the District, duly and regularly held at the regular meeting place thereof on April 5, 2012, of which meeting all members of the Board had due notice and at which a majority thereof were present; and that at said meeting said Resolution was adopted by the following vote:

AYES, and in favor thereof, Directors: 5

NAYS, Directors: 0

ABSENT, Directors: 0

ABSTAIN, Directors: 0

I further certify that I have carefully compared the same with the original Resolution on file and of record in my office; that said Resolution is a full, true, and correct copy of the original Resolution adopted at said meeting; and that said Resolution has not been amended, modified, or rescinded since the date of its adoption, and is now in full force and effect.

IN WITNESS WHEREOF, I have set my hand and affixed the official seal of the District on April 5, 2012.


District Secretary

(SEAL)



EXHIBIT "A"

ORDER GRANTING PETITION FOR ANNEXATION TO NORTH KOOTENAI WATER DISTRICT Kootenai County, Idaho

BROWN ANNEXATION

THE BOARD OF DIRECTORS (the "Board") of NORTH KOOTENAI WATER DISTRICT (the "District") makes the following findings relative to a Petition for Annexation presented to the Board:

(1) The District is a validly formed water district under and by virtues of the laws of the State of Idaho.

(2) The owner of certain real property located in Kootenai County, Idaho, generally adjacent to the boundaries of the District, filed a Petition for Annexation with the District which complied with the requirements of Idaho Code §42-3218(a) (a copy of the Petition and attachments thereto are attached hereto as Exhibit "A" as though fully set forth herein).

(3) After a thorough examination and review by the Board and its consultants, it was established that the Petition was executed by the property owner in the area covered by the annexation. (The area covered by the annexation is set forth in the map attached hereto and incorporated herein by this reference as Exhibit "B".)

(4) The Board set a public hearing on the Petition for Annexation.

(5) The public hearing was set for April 5, 2012, with notice of this hearing ("Notice") given by both publication and mailing. Notice was published in the *Coeur d'Alene Press* on March 23, 2012 and March 30, 2012. (A copy of the Notice and Affidavit of Publication are attached hereto and incorporated herein by this reference as Exhibit "C".) At this public hearing the Board and its consultants were prepared to respond to any questions or issues raised.

(6) The Board has assumed, pursuant to the provisions of Idaho Code Section 42-3218(b) that the failure of any other individuals to show cause in writing as to the annexation of the property described in Exhibit "B", is deemed as their assent.

(7) The Board, after consideration of the records and files herein and the public health and safety of the current and future residents and businesses in the District and the area proposed for annexation, find it in the best interests of the District, its residents and those who are in the area to be annexed into the District, to annex the area covered by the Petition.

(8) Subject to the conditions placed on the annexation by the District, the real property described in the map attached hereto as Exhibit "B" and legally described in Exhibit "D" attached hereto is hereby incorporated into the District as of the date this Order is recorded with the County Recorder.

(9) The Secretary of the District is hereby directed to file this Order in the records of the District and transmit this Order and all the attachments thereto to the appropriate Kootenai County offices for filing pursuant to Idaho Code §42-3218(b).

(10) Petitioner agrees to pay for its share of a New Facility Plan or Facility Plan Amendment and Preliminary Engineering Report as required by the Idaho Department of Environmental Quality.

(11) Conditions: This annexation is conditioned upon completion of the following:

That the petitioner will complete and pay for certain improvements to the specifications and requirements of the District (at its sole discretion) in order to provide service to the property included in this annexation.

Should it be later determined that one or more of the above conditions has not been satisfactorily achieved, the Board shall have the right to remove or deannex this property from the boundaries of the District.

This Order is adopted by a majority vote of the Board of Directors at a meeting on April 5, 2012.

NORTH KOOTENAI WATER DISTRICT

By: 
Chairman, Board of Directors

ATTEST:


Secretary



LIST OF EXHIBITS

- A. Petition requesting annexation
- B. Map of the area to be annexed
- C. Notice and Affidavit of Publication of Public Hearing
- D. Legal Description of real property annexed into District

PETITION FOR ANNEXATION
NORTH KOOTENAI WATER DISTRICT
KOOTENAI COUNTY, IDAHO

BROWN ANNEXATION

COMES NOW Petitioners, Donald Brown and petitions the Board of Directors of North Kootenai Water District ("District") as follows:

1. Petitioner is the owner of the real property situated within the County of Kootenai, State of Idaho, particularly described in Exhibit "A", attached hereto, and incorporated herein by reference.

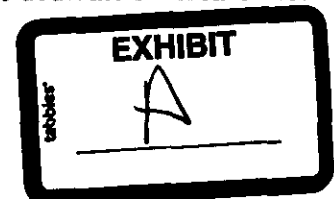
2. Petitioner is desirous that the above-described property be included in, made or part of, and be served with water system improvements in North Kootenai Water District, Kootenai County, Idaho.

3. Petitioner requests that, in accordance with the provisions of Section 42-3218, Idaho Code, notice of the filing of this petition be given and published in the official newspaper of the District in Kootenai County, Idaho, said notice to give all persons interested an opportunity to appear and show cause in writing, if any they have, why this petition should not be granted at the hearing, time and place to be set by this Board; that further, assuming that no valid objections are made to the inclusion of the above-described property within the boundaries of the District, the Board enter its order that the above-described property be included within the boundaries of the District, and that such order be recorded and filed with Kootenai County, Idaho and filed with the State of Idaho Tax Commission.

4. The Petitioner is aware that, as a condition of annexation, the District may require that the land described in this petition be subjected to the following requirements:

(a) The Petitioner shall pay for the actual costs incurred by the District for District administration, engineering, legal, inspection, and preparation of any necessary documents that are required by the District for annexation of the property. Such District costs shall include, but are not limited to, preparation of conditions of annexation, any needed water and/or system master planning, design consultations, plan reviews, and final approval of the Petitioner's construction plans and specifications for water facilities.

(b) The Petitioner shall be responsible for all water facilities that will be necessary to serve the Petitioner's annexed property. These water facilities will include those required within the annexed property as well as all necessary water and sewer facilities needed to extend water and sewer service from the District's existing facilities to those proposed to serve the annexed property. The District shall have the right to dictate where and how the Petitioner's water and sewer facilities that serve the annexed area may be connected to the District's water and sewer facilities. Upon completion of installation and approval by the District of all water and sewer facilities the Petitioner shall dedicate such facilities to the District.



(c) The District shall not be obligated to serve any property annexed within the District where the District has determined there is not sufficient water and/or sewer system capacity to adequately serve such property. There shall arise no right to service or obligation by the District for service upon annexation and as among other properties annexed to the District, and there shall be no priority for service until each water and/or sewer connection permit has been obtained. If construction is not completed within two (2) years from the date the water connection permit was issued, any priority for service shall become null and void. The District may extend the time for completion upon a request by the property owner and a showing of good cause why such extension should be granted.

(d) And such other conditions as the District may prescribe.

WHEREFORE, Petitioners pray that this petition be set for hearing at the earliest practicable time, and that the Board grant the petition including the conditions as set forth in Paragraph 3 above.

DATED: 3/9/12

Petitioner: Donald Brown *Kelly Brown*

Address: 20587 Lester Ct.

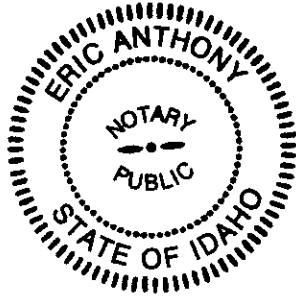
Athol, ID 83801

Signature: *Donald Brown*
Kelly Brown

SIGNATURES ATTACHED PAGE 2 CA

STATE OF IDAHO)
) ss.
COUNTY OF KOOTENAI)

I certify that I know or have satisfactory evidence that Donald Brown is the person who appeared before me, and said person acknowledged that he signed this instrument and acknowledged it to be his free and voluntary act for the uses and purposes mentioned in the instrument.




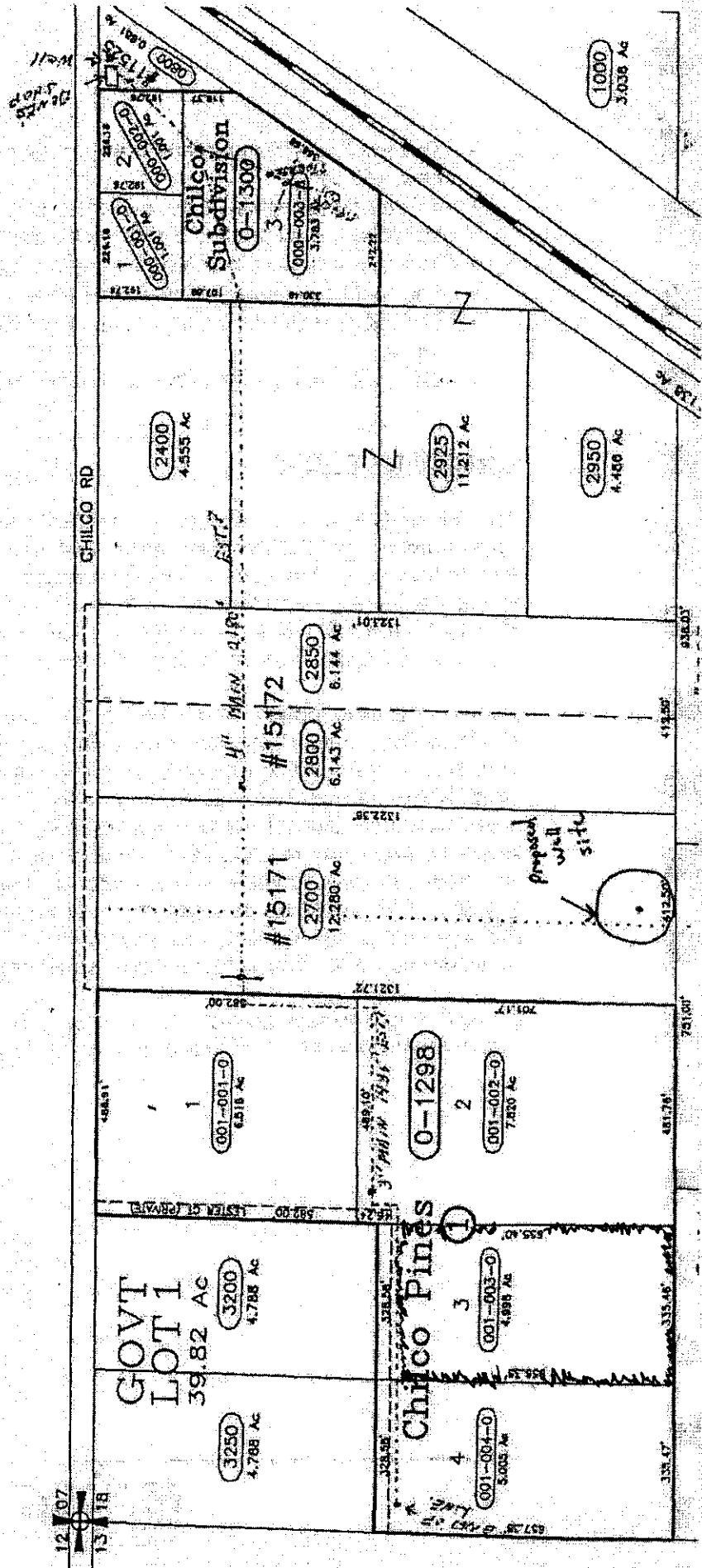

NOTARY PUBLIC for the State of IDAHO
ERIC ANTHONY
[Print name]
My appointment expires: 06/22/2017

EXHIBIT "A"

Legal Description of Annexed Property

Chilco Pines, Lt 3, Block 1

Sec. 18 Twp. 52 N. R. 3 W. B.



MARCH, 1988
PAGE 2 OF 2

A PORTION OF GOVERNMENT LOT 1, SECTION 18, TOWNSHIP 52 NORTH, RANGE 3 WEST
BOISE MERIDIAN, KOOTENAI COUNTY, IDAHO



AFFIDAVIT OF PUBLICATION

STATE OF IDAHO,
County of Kootenai, } ss.

Madison M. Genzle being first duly sworn
upon oath deposes and says:

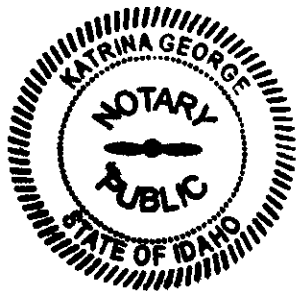
1. I am now and at all times hereinafter mentioned was a citizen of the United States, resident of the State of Idaho, over the age of twenty-one years and not a party of the above entitled action.

2. I am now and at all times hereinafter mentioned was the printer (principal clerk) of the "Coeur d'Alene Press," a newspaper printed and published daily except Sunday in Coeur d'Alene, Kootenai County, Idaho, and having a general circulation in said county.

3. The Legal Notice

of which the annexed is a printed copy, was published in the regular Friday issue of said newspaper for 2 consecutive Weeks commencing on the 23 day of March 2012, and ending on the 30 day of March 2012, and such publication was made as often during said period as said Daily newspaper was regularly issued.

4. That said newspaper has been continuously and uninterruptedly published in said Kootenai County, during a period of more than seventy-eight consecutive weeks immediately prior to the first publication of said notice Madison M. Genzle. On this 30 day of March in the year of 2012, before me, a Notary Public, personally appeared Madison M. Genzle known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.



Katrina George

Notary Public for the State of Idaho,
residing at Coeur d'Alene, Idaho.

MY COMMISSION E

NOTICE OF PUBLIC HEARING
OF ANNEXATION OF
PROPERTY INTO
NORTH KOOTENAI WATER
DISTRICT
Kootenai County, Idaho

BROWN ANNEXATION

The Board of Directors (the "Board") of the North Kootenai Water District (the "District") will be holding a public hearing on the annexation of property into the District. The public hearing will be held as follows:

Day: Thursday

Date: April 5, 2012

Time: 12:30 p.m.

Location: 1841 West Hayden
Avenue, Hayden, Idaho

The annexation hearing is based upon a petition filed by the following parties for the

properties identified in such petition: Donald Brown and Kelly Brown (Parcel No. 012980010030). A copy of the petition and additional description of the area covered by the petition can be obtained from the District by sending a request to:

North Kootenai Water District
P.O. Box 2290
Hayden, Idaho 83835

All persons interested in appearing at the time and place of the hearing may show cause in writing why any petition for annexation should not be granted. The Board shall consider, at the hearing, any objection presented in writing. The failure of any person to show cause in writing shall be deemed as an assent to include their property within the boundaries of the District.

Anyone wishing to provide written comments, who is unable to attend the hearing, may provide them in advance of the hearing by sending them, first class mail, postage pre-paid, to:

North Kootenai Water District
P.O. Box 2290
Hayden, Idaho 83835

Failure to have your written comments to the Board in advance of the public hearing means they will not be considered by the Board at the public hearing.

DATED this 15th day of March, 2012.
NORTH KOOTENAI WATER DISTRICT, Kootenai County, Idaho
Legal 4978
March 23, 30, 2012

EXHIBIT

C

LEGAL DESCRIPTION

Chilco Pines, Lt. 3, Block 1



ORDER GRANTING PETITION FOR ANNEXATION
TO NORTH KOOTENAI WATER DISTRICT
Kootenai County, Idaho

BROWN ANNEXATION

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(1) The District is a validly formed water district under and by virtues of the laws of the State of Idaho.

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"D" attached hereto is hereby incorporated into the District as of the date this Order is recorded with the County Recorder.

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(11) Conditions: This annexation is conditioned upon completion of the following:

That the petitioner will complete and pay for certain improvements to the specifications and requirements of the District (at its sole discretion) in order to provide service to the property included in this annexation.

Should it be later determined that one or more of the above conditions has not been satisfactorily achieved, the Board shall have the right to remove or deannex this property from the boundaries of the District.

This Order is adopted by a majority vote of the Board of Directors at a meeting on April 5, 2012.

NORTH KOOTENAI WATER DISTRICT

By: Thomas Chen
Chairman, Board of Directors

ATTEST:

Anna Brooks
Secretary





North Kootenai Water District

P.O. Box 2290; 1841 W. Hayden Ave • Hayden, Idaho 83835-2290

Phone: (208) 772-3619 • Fax: (208) 762-0355

Contact Us: www.nkwsd.com

Letter of Transmittal


Attn:	Craig Johnson	Date:	04.09.12
Company:	Idaho Tax Commission	Job:	Donald Brown Annexation

[ITEMS TRANSMITTED ☒ Mailed/UPS ☐ Delivered ☐ Picked-up

COPIES	DATED	DESCRIPTION
1	04.05.12	Recorded Copy Res 2012-11 Brown Annexation

These are transmitted as checked below:

☐ For Approval ☐ Approved as submitted ☒ For Your Use
☐ As Requested ☒ Permanent Records ☐ Returned
☐ Inspection/Repair

By  North Kootenai Water District
Mike Galante

Craig, Please record this annexation, including it into the District's boundary.